

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	CASE NO.: 1:19CR79
	)	
Plaintiff	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	
	)	
MARTIN FANO,	)	<b><u>DEFENDANT'S TRIAL BRIEF</u></b>
	)	
Defendant.	)	

The Defendant, Martin Fano, herewith submits his Trial Brief in this matter pursuant to the Court's Trial Order and as a supplement to the summary provided to the court by defense counsel's letter to the court on June 4, 2019.

Respectfully Submitted,

s/James C. Lynch

James C. Lynch (0033787)  
P. O. Box 33189  
North Royalton, Ohio 44133  
Ph. 440-382-2114  
[jchurchillLynchlaw67@yahoo.com](mailto:jchurchillLynchlaw67@yahoo.com)  
Counsel to Defendant

### The Superseding Indictment

The Defendant is charged with a scheme to defraud by bribing a City of Cleveland employee, Mr. Rufus Taylor, in exchange for his agreement to provide faster inspections to the Defendant's demolition projects in the City of Cleveland. The Superseding Indictment also charges that, as part of the scheme, the Defendant also asked for favorable treatment in a variety of matters, outside of the demolition projects.

The Defendant is charged with Honest Services Wire Fraud (Counts 1-3) and Mail Fraud (Counts 4-7) in violation of 18 U.S. C. §§ 1343, 1341, and 1346.

### Stipulations

The Defendant has agreed to stipulate that the wire transmissions and the mailings charged are, respectively, uses of interstate wire transmissions and uses of the United States Mails, and are admissible subject to the Defendant's potential objections based upon relevancy.

### Length of Trial

The Defendant estimates its case should take no longer than one day.

### Materials to be Used Electronically

The Defendant intends to make use of the electronic courtroom by presenting its documentary exhibits with such equipment. The Defendant's exhibits consist of the business records of the Defendant's and his wife's company, ABC Construction LLC

which was the business which contracted with the City of Cleveland and the County Land Bank for demolition work.

Trial Issues

The Defendant has learned, for the first time, through the filing of the Government's Trial Brief, that the Government intends to use transcripts of the audio and video tapes exhibits. The Defendant was never offered in discovery any transcriptions of any of the audio or video material and objects to their use at trial for that reason.

Respectfully Submitted,

s/James C. Lynch

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was electronically filed this 6<sup>th</sup> day of June, 2019, through the court's electronic service process to all parties.

s/ James C. Lynch  
JAMES C. LYNCH